

**SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM****SUBJECT:** Greenway Pointe PUD Major Amendment**DEPARTMENT:** Planning and Development **DIVISION:** Planning**AUTHORIZED BY:** Alison Stettner**CONTACT:** Ian Sikonia**EXT:** 7398**MOTION/RECOMMENDATION:**

1. Approve the request for a major amendment to the Greenway Pointe PUD on 14 acres, located on the northeast corner of the intersection of Aloma Avenue and Clayton Crossing Way, and authorize the Chairman to execute the revised Final Master Plan and Amended and Restated Developer's Commitment Agreement (Jon Walls, applicant); or

2. Deny the request for a major amendment to the Greenway Pointe PUD on 14 acres, located on the northeast corner of the intersection of Aloma Avenue and Clayton Crossing Way, and authorize the Chairman to execute the Denial Development Order (Jon Walls, applicant); or

3. Continue the item to a time and date certain.

District 1 Bob Dallari

Ian Sikonia

BACKGROUND:

The applicant is requesting a rezone from PUD (Planned Unit Development) to PUD (Planned Unit Development) on 14 acres, located on the northeast corner of the intersection of Aloma Avenue and Clayton Crossing Way. The purpose of this rezoning application is to amend the content of the landscape buffers along the east, west, and south property lines. The Seminole County Land Development Code Section 30.448 requires that any application "which affects the intent and character of the development.....shall be reviewed and approved by the Board of County Commissioners". This application is amending the external buffers which affect the character and aesthetics of this development.

The applicant asserts that the previously approved Greenway Pointe PUD landscape buffers were designed with an abundant amount of trees, which would not have enough room to flourish because the tree canopies would overlap and subsequently hinder their growth. This overlap would not meet the intent of external buffers and upon implementation the trees would not sufficiently flourish to provide the envisioned opacity. The Developer's Commitment Agreement approved on November 18, 2008 for the Greenway Pointe PUD landscape buffers and the amended buffers are as follows.

	Existing Buffer Content	Proposed Buffer Content	Tree Difference
West	10 foot landscape buffer consisting of landscaping composed of natural and /or	10 foot landscape buffer consisting of 18 canopy trees	-9

	man-made materials shall be arranged or planted in the designated landscape buffer in or that a height of at least three feet shall be attained within one year after planting and 4 canopy trees per 100 linear feet.	and hedge screening 100% of adjacent parking.	
East	25 foot landscape buffer consisting of a minimum of 4 canopy trees and 5 understory trees per 100 linear feet.	25 foot landscape buffer consisting of 24 canopy trees, 48 understory trees.	-24
South	25 foot landscape buffer consisting of a minimum of 4 canopy trees, 12 understory trees, and 48 shrubs per 100 linear feet.	25 foot landscape buffer consisting of 14 canopy trees, 31 understory trees. 40 shrubs per 100 linear feet.	-62
North	15 foot landscape buffer consisting of a minimum of 2.25 canopy trees, 4.5 understory trees, and 38.25 shrubs per 100 linear feet.	To remain the same.	0

Staff has reviewed the proposed buffer content and is in agreement with the proposed changes. The new buffer content will still provide the opacity intended and will allow for the trees to have enough space to flourish and provide for a more aesthetically pleasing buffer. The buffer changes will also allow the proposed trees to mature better due to the increased room for the canopies to develop and sustain growth over their lifespan. Staff feels the proposed buffer content is compatible with the surrounding area, and will provide a more refined look over time to the proposed development. The developer is also requesting that Parcel "A" be given its own monument sign to allow for more visibility of the proposed bank. This request is consistent with the sign regulations of the Land Development Code and will not be out of character with the proposed development or existing surrounding area.

PLANNING AND ZONING COMMISSION RECOMMENDATION: The Planning and Zoning Commission voted 7 to 0 to recommend approval of the major amendment to the Greenway Pointe PUD on 14 acres, located on the northeast corner of the intersection of Aloma Avenue and Clayton Crossing Way, based on staff's findings.

STAFF RECOMMENDATION:

Staff recommends approval of the request for a major amendment to the Greenway Pointe PUD on 14 acres, located on the northeast corner of the intersection of Aloma Avenue and

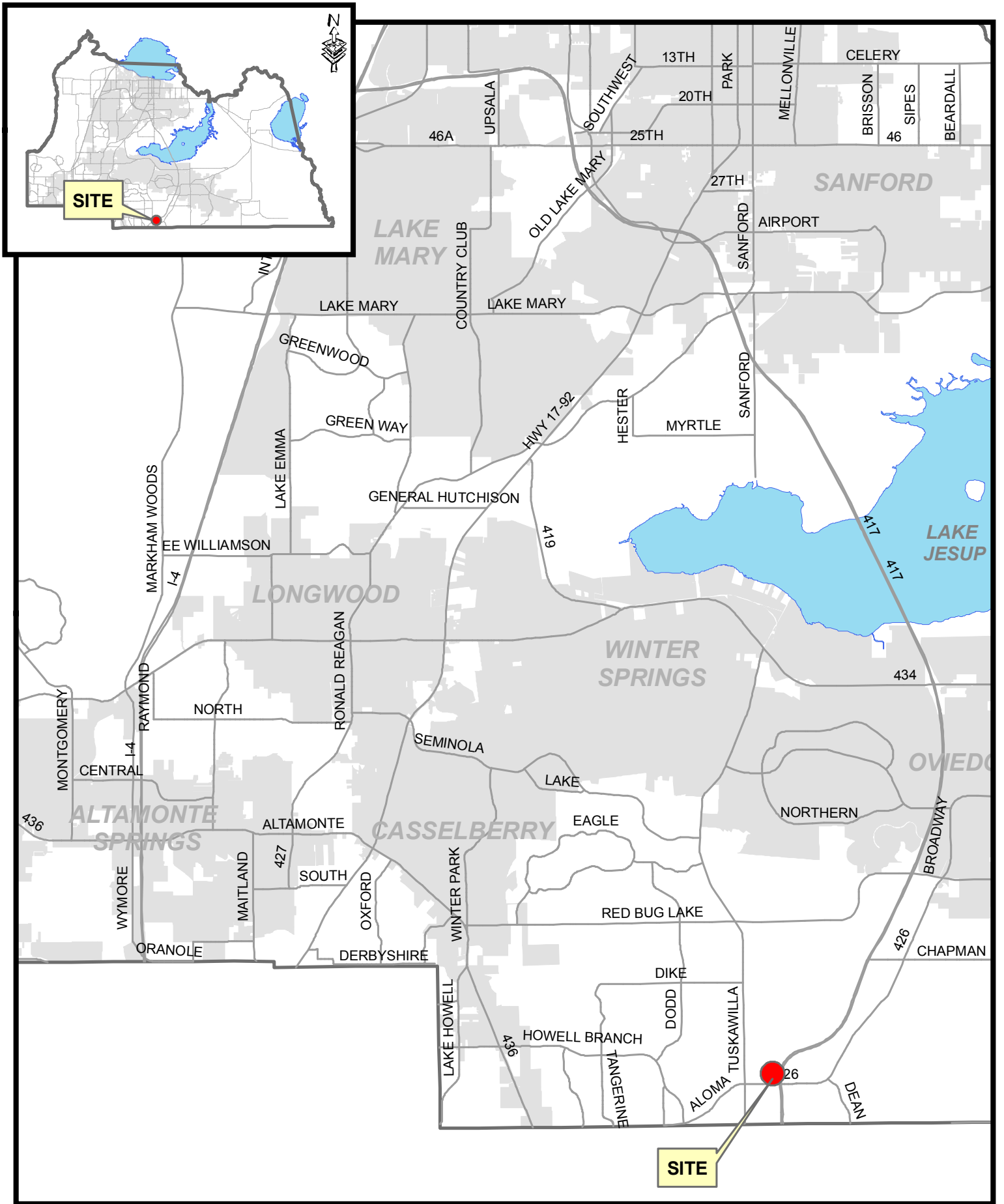
Clayton Crossing Way.

ATTACHMENTS:

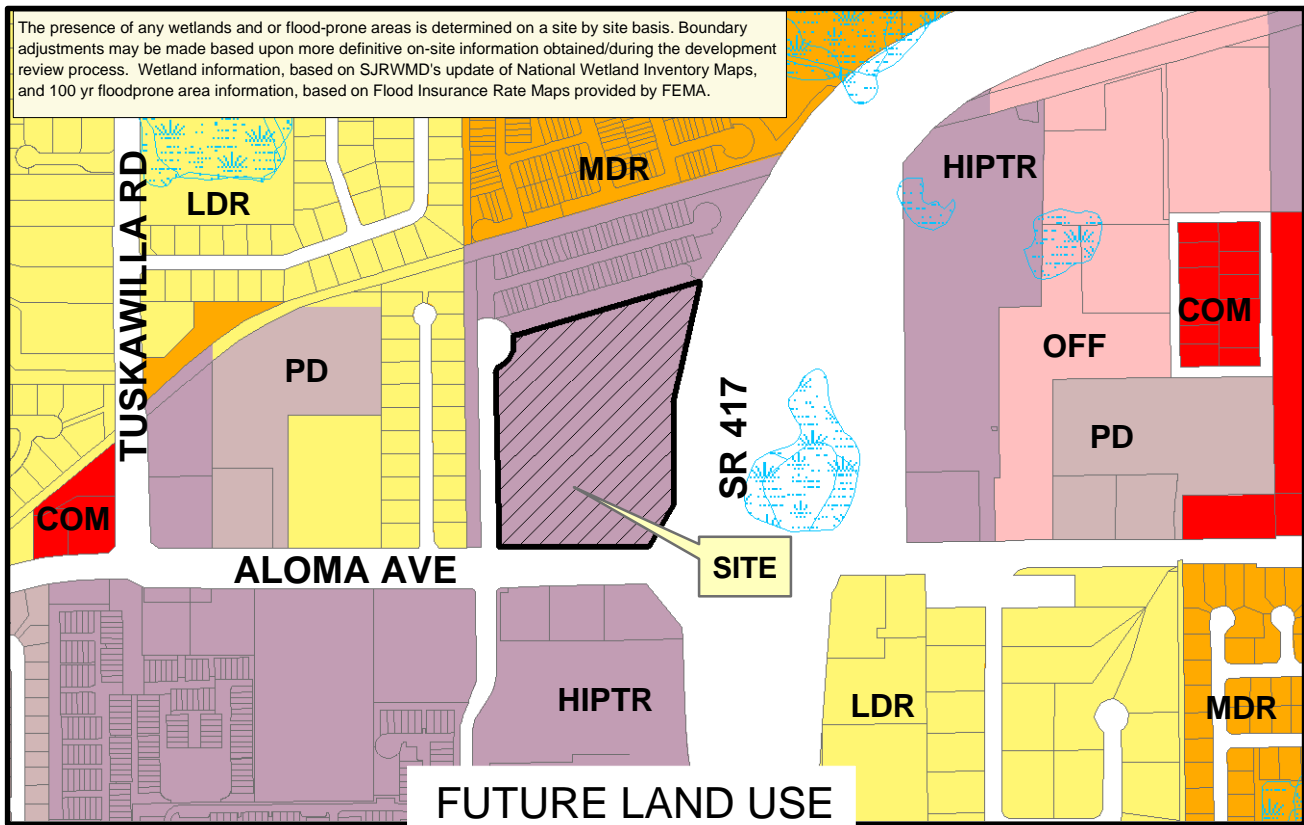
1. Location Map
2. Future Land Use and Zoning Map
3. Aerial Map
4. Amended and Restated Developers Commitment Agreement
5. Revised Final Master Plan
6. Revised Landscape Plan
7. Preliminary Signage Plan
8. Justification Statement Provided By Applicant
9. Letter of Concern from Bear Creek HOA
10. 11-4-09 Planning & Zoning Commission Minutes
11. Ownership Disclosure Form

Additionally Reviewed By:

☒ County Attorney Review (Kathleen Furey-Tran)



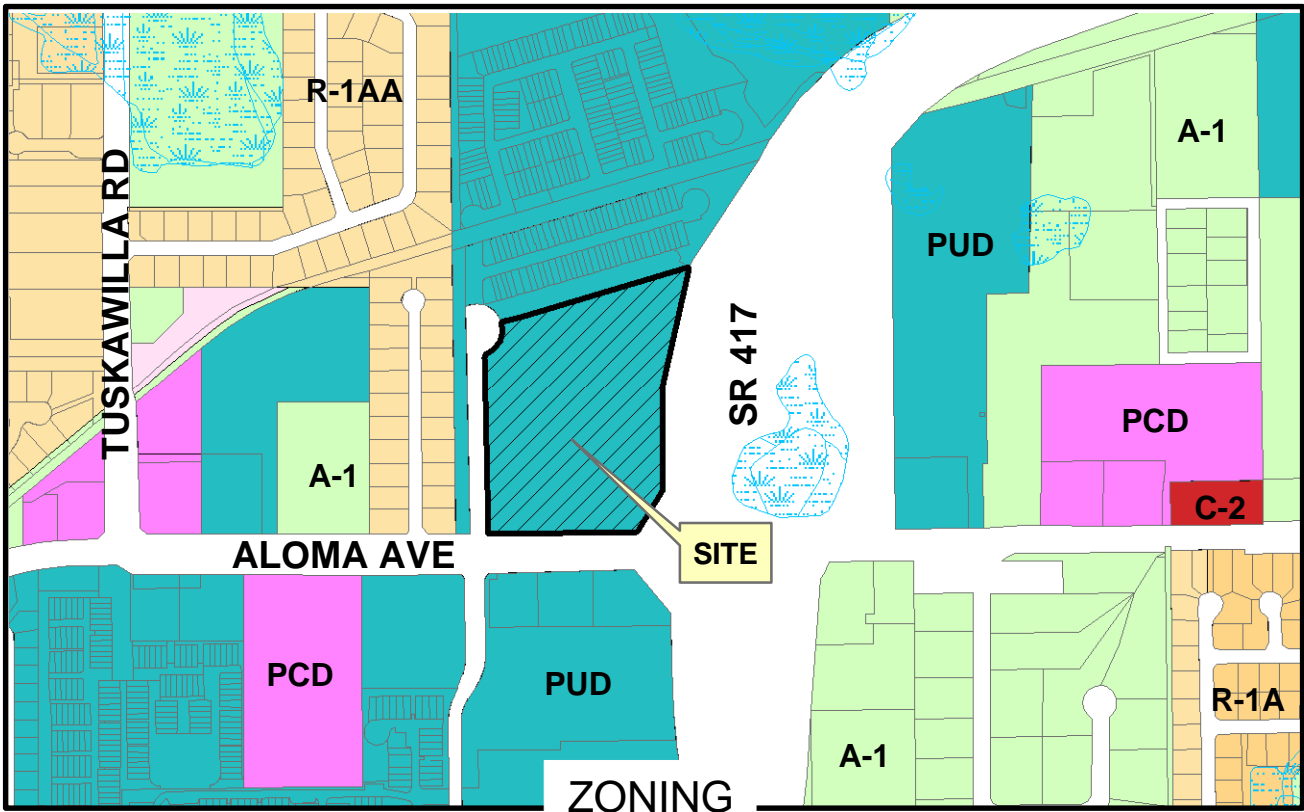
The presence of any wetlands and or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained/during the development review process. Wetland information, based on SJRWMD's update of National Wetland Inventory Maps, and 100 yr flood-prone area information, based on Flood Insurance Rate Maps provided by FEMA.



Site
 LDR
 OFF
 MDR
 COM
 HIPTR
 CONS

Applicant: Jon Walls
 Physical STR: 31-21-31-300-024A-0000
 Gross Acres: 14 +/- BCC District: 1
 Existing Use: vacant
 Special Notes: _____

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2009-028	--	--



A-1
 R-1A
 R-1AA
 C-2
 PCD
 PUD
 CONS



Rezone No: Z2009-28
PUD Major Amendment

- Parcel
- Subject Property



Winter 2009 Color Aerials

**GREENWAY POINTE PUD
PARCEL A, ALOMA WALK FINAL MASTER PLAN
AMENDED AND RESTATED
DEVELOPER'S COMMITMENT AGREEMENT**

On November 18, 2008, the Board of County Commissioners of Seminole County, Florida issued this Developer's Commitment Agreement relating to and touching and concerning the property described below. This agreement is amended in order to change the landscape buffers, and incorporate site signage, as stated herein. No further changes are included in this Amendment.

1. **LEGAL DESCRIPTION**

This document addresses development within Parcel A of the legal description, attached hereto as **Exhibit A**.

2. **PROPERTY OWNER**

Aloma Walk Commercial Venture, LLC
4820 Deer Lake Drive,
Unit 7
Jacksonville, FL 32246

3. **STATEMENT OF BASIC FACTS**

- A. Total Area: 14.00 Acres
- B. Zoning: Planned Unit Development (PUD)
- D. Intensity: 88,295 Square Feet
- E. The development approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance with all other applicable regulations and ordinances.
- F. The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow, and perpetually burden the aforescribed property.

4. **LAND USE BREAKDOWN**

<i>LAND USE in Parcel A</i>	<i>AREA (acres)</i>	<i>% OF SITE</i>
Grocery, Retail, Buffers, Pond	14.00	100.00
<i>TOTAL AREA</i>	<i>14.00</i>	<i>100.00</i>

5. **OPEN SPACE AND RECREATION AREAS**

Gross Site Area: 14.00 acres
Required Open Space: 14.00 acres x 0.25 = 3.50 acres

Provided Open Space:

Landscape Area: 0.12 acres
Landscape Buffer Area: 1.15 acres
Pond Area: 1.79 acres
Parking Landscape 0.53 acres

Total 3.59 acres

6. **BUILDING SETBACKS AND MAXIMUM ALLOWABLE BUILDING HEIGHT**

Building Height Limit	35'
Northern Property Line	50'
Eastern Property Line	25'
Western Property Line	25'
Southern Property Line	25'

7. **PERMITTED AND PROHIBITED USES**

Permitted and special exception uses shall be in accordance with the provisions of C-2 and R-4 with the following exclusions:

Communication Towers
Lumber Yards
Mechanical Garages
Paint and Body Shops
Auto Repair
Billboards

8. **LANDSCAPE & BUFFER CRITERIA**

East Property Line

- 25-foot landscape buffer.
- Minimum of 4 24 canopy trees, and 5 48 understory trees, per 100 linear feet

South Property Line

- 25-foot landscape buffer
- Minimum of 4 14 canopy trees, and 42 31 understory trees, and 48 shrubs per 100 linear feet
- 40 shrubs per 100 linear feet.

West Property Line

- 10-foot landscape buffer
- Minimum of 18 canopy trees and hedge screening 100% of adjacent parking for the whole length of the property line.

North Property Line

- 15-foot landscape buffer
- Minimum of 2.25 canopy trees, 4.5 understory trees, and 38.25 shrubs each respectively per 100 linear feet.
- A 6-foot brick or masonry wall.

All landscape buffers and common areas shall be designed pursuant to the requirements of the County's LDC, and shall be maintained by the Shopping Center Owner. Alternative planting tree types may be allowed if approved by the Planning Manager.

9. **DEVELOPMENT COMMITMENTS**

- A. The development shall not exceed 88,295 square feet.
- B. Mechanical units shall be located and/or screened so as not to be visible from public right-of-way or adjoining single-family development.
- C. The developer shall provide a pedestrian circulation system giving access to all portions of the development, as well as connecting to existing sidewalks outside the development. The developer shall provide at a minimum one bicycle rack within 50 feet of the entrance to Retail B, C, Grocery Store and Parcels A, B, and C.

- D. Existing trees that are preserved during construction may satisfy applicable landscaping requirements when they are located in the required buffer area.
- E. Outside bars shall be prohibited.
- F. The Developer shall install "dry" reclaim lines and when reclaim becomes available the property shall be required to connect to the master reclaim system.

10. **WATER, SEWER AND STORMWATER**

WATER: Water services shall be provided by Seminole County.

SANITARY SEWER: Sanitary sewer shall be provided by Seminole County.

STORMWATER: Stormwater drainage and stormwater management shall be according to Seminole County's land development regulations.

FIRE PROTECTION: Fire protection shall be provided by Seminole County. Fire flow will be a minimum of 1,250 gpm with 20 p.s.i. Fire hydrants shall be located according to Seminole County regulations.

11. **PHASING**

The commercial development will be constructed with Grocery & Retail buildings as Phase 1 and Parcels A, B and C as subsequent phases.

12. **STANDARD COMMITMENTS**

- A. Unless specifically addressed otherwise herein, all development shall fully comply with all of the codes and ordinances, including impact fee ordinances, in effect in Seminole County at the time of permit issuance.
- B. The conditions upon this development approval and commitments made as to this development approval have been accepted by and agreed to by the Owners of the property.
- C. The developer's commitment agreement touches and concerns the aforescribed property, and the conditions, commitments, and provisions of the developer's commitment agreement shall perpetually burden, run with, and follow the said property and be a servitude upon provisions and binding upon said property unless released in whole or in part by action of Seminole County by virtue of a document of equal dignity herewith. The owners of said property have expressly covenanted and agreed to this provision and all other terms and provisions of the developer's commitment agreement.
- D. The terms and provisions of the developer's commitment agreement are not severable, and in the event any portion of this developer's commitment agreement shall be found to be invalid or illegal, then the entire developer's commitment agreement shall be null and void.

**DONE AND ORDERED ON
THE DATE FIRST WRITTEN ABOVE**

By: _____
Bob Dallari, Chairman

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Aloma Walk Commercial Venture, LLC, on behalf of its heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Developer's Commitment Agreement.

Witness

Print Name

By: _____
John Holland

Witness

Print Name

**STATE OF FLORIDA
COUNTY OF SEMINOLE**

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgements, personally appeared John Holland, on behalf of Aloma Walk Commercial Venture, LLC, who is personally known to me or who has produced _____ as identification and who acknowledged and executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____ 20____.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

Exhibit A

Legal Description

A PARCEL OF LAND LYING IN SECTION 31, TOWNSHIP 21 SOUTH, RANGE 31 EAST, SEMINOLE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 31, RUN SOUTH 01 DEGREES 07 MINUTES 04 SECONDS EAST ALONG THE WEST LINE OF SAID SECTION 31 AND ALONG THE EAST LINE OF THE BEAR CREEK PLAT, RECORDED IN PLAT BOOK 31, PAGES 54 & 55, SEMINOLE COUNTY, FLORIDA, A DISTANCE OF 1,409.51 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF THE SEABOARD COASTLINE RAILROAD; THENCE SOUTH 01 DEGREES 05 MINUTES 50 SECONDS EAST, A DISTANCE OF 82.86 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF THE SEABOARD COASTLINE RAILROAD; THENCE SOUTH 01 DEGREES 07 MINUTES 18 SECONDS EAST, A DISTANCE OF 341.22 FEET; THENCE NORTH 73 DEGREES 43 MINUTES 12 SECONDS EAST, A DISTANCE OF 195.87 FEET TO THE POINT OF BEGINNING; THENCE RUN NORTH 73 DEGREES 43 MINUTES 12 SECONDS EAST A DISTANCE OF 746.62 FEET TO A POINT ON A CURVE CONCAVE SOUTHEASTERLY ON THE WESTERLY RIGHT OF WAY OF SR 417 (EASTERN BELTWAY) AND HAVING A RADIUS OF 818.51 FEET, A CHORD BEARING OF SOUTH 13 DEGREES 20 MINUTES 52 SECONDS WEST AND A CENTRAL ANGLE OF 33 DEGREES 21 MINUTES 35 SECONDS; THENCE RUN ALONG SAID CURVE, 476.57 FEET TO A POINT OF TANGENCY; THENCE SOUTH 03 DEGREES 13 MINUTES 57 SECONDS EAST A DISTANCE OF 445.41 FEET; THENCE SOUTH 33 DEGREES 10 MINUTES 36 SECONDS WEST A DISTANCE OF 143.25 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF S.R. 426 (ALOMA AVENUE); THENCE DEPARTING THE RIGHT OF WAY OF S.R. 417 RUN SOUTH 89 DEGREES 13 MINUTES 02 SECONDS WEST ALONG THE NORTH RIGHT OF WAY OF S.R. 426 A DISTANCE OF 607.98 FEET; THENCE DEPARTING THE SAID RIGHT OF WAY OF S.R. 426 RUN NORTH 01 DEGREES 07 MINUTES 18 SECONDS WEST A DISTANCE OF 684.66 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 25.00 FEET AND A CENTRAL ANGLE OF 64 DEGREES 39 MINUTES 22 SECONDS; THENCE RUN ALONG SAID CURVE A DISTANCE OF 28.21 FEET TO A POINT OF REVERSE CURVATURE OF A CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 100.00 FEET AND A CENTRAL ANGLE OF 77 DEGREES 20 MINUTES 20 SECONDS; THENCE RUN ALONG SAID CURVE A DISTANCE OF 134.98 FEET TO THE POINT OF BEGINNING.

Exhibit B

Final Master Plan

(See Attached)

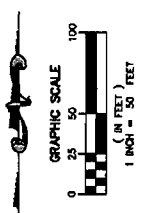
REVISIONS	
NO.	DESCRIPTION
1	ISSUED FOR PERMITS
2	ISSUED FOR PERMITS
3	ISSUED FOR PERMITS
4	ISSUED FOR PERMITS
5	ISSUED FOR PERMITS
6	ISSUED FOR PERMITS
7	ISSUED FOR PERMITS
8	ISSUED FOR PERMITS
9	ISSUED FOR PERMITS
10	ISSUED FOR PERMITS

FOR: ALOMA WALK COMMERCIAL VENTURE, LLC
SEMINOLE COUNTY, FLORIDA
ALOMA WALK

MILLER LEGG
Central Florida Office: 651 S. Orlando Avenue, Suite 200
Orlando, FL 32812
407-622-5550 • Fax: 407-622-7122
www.millerlegg.com

PROJECT NO.	08-00293
DATE	10/03/08
SCALE	1" = 50' FEET
PROJECT NAME	ALOMA WALK COMMERCIAL VENTURE, LLC
PROJECT ADDRESS	10750 ALOMA AVENUE, SUITE 100, ORLANDO, FL 32812
PROJECT TYPE	COMMERCIAL
PROJECT STATUS	CONCEPT PLAN

REVISED LANDSCAPE BUFFERS CONCEPT PLAN



LANDSCAPE BUFFER PLANTING SUMMARY

EAST BUFFER - 1005'
REQUIRED (PER ORIGINAL DCA):
• 10' FID BUFFER WIDTH
• 4 CANOPY AND 8 UNDERSTORY TREES PER 100' (AS AND IS REQUIRED)
PROVIDED:
• 10' FID BUFFER WIDTH
• 24 CANOPY TREES AND 48 UNDERSTORY TREES

SOUTH BUFFER - 800'
REQUIRED (PER ORIGINAL DCA):
• 10' FID BUFFER WIDTH
• 4 CANOPY AND 8 UNDERSTORY TREES PER 100' (AS AND IS REQUIRED)
• 48 BARKS (124' O.C.) PER 100' (AS REQUIRED)
PROVIDED:
• 10' FID BUFFER WIDTH
• 14 CANOPY TREES AND 21 UNDERSTORY TREES (6 PER 100')
• 48 BARKS (124' O.C.) PER 100' (244 BARKS)

WEST BUFFER - 685'
REQUIRED:
• 10' FID BUFFER WIDTH
• 4 CANOPY TREES PER 100' (71 REQUIRED)
PROVIDED:
• 10' FID BUFFER WIDTH
• 16 BARKS (124' O.C.) PER 100' (164 BARKS)
• 16 CANOPY TREES

NORTH BUFFER
NORTH BUFFER REQUIREMENTS HAVE BEEN APPROVED AND ARE SHOWN AS DELINEATED ON THE FINAL LANDSCAPE CONSTRUCTION PLAN.

INTERNAL LANDSCAPING
INTERNAL LANDSCAPE REQUIREMENTS HAVE BEEN APPROVED AND ARE SHOWN AS DELINEATED ON THE FINAL LANDSCAPE CONSTRUCTION PLAN.

LOT 1 LOT 2 LOT 3 LOT 4 LOT 5 LOT 6 LOT 7 LOT 8 LOT 9 LOT 10

CLAYTON CROSSING WAY

ALOMA AVENUE

GROCERY STORE
46,031 S.F.

PARCEL 'A'
1 1/2 - 125 AC.

PARCEL 'B'
1 1/2 - 125 AC.

PARCEL 'C'
1 1/2 - 125 AC.

RETAIL 'A'
10,164 S.F.

RETAIL 'B'
9,600 S.F.

RETAIL 'C'
5,500 S.F.

RETENTION POND

CONCEPT PLANT LEGEND

- CANOPY TREE
- UNDERSTORY TREE
- HEDGE SHIELD
- ORNAMENTAL ACCENT SHIELD
- LOW SHIELDS
- NATIVE ACCENT SHIELDS
- GROUND COVER

1925 Progress Avenue, Orlando, FL 32814
P.O. 407, 401, 410 - Fax 407, 461, 0101

Cubaci & Peterson

Architects Engineers Planners

Florida Corporate Certificate #AA C000526

1925 Progress Avenue, Orlando, FL 32814
P.O. 407, 401, 410 - Fax 407, 461, 0101

Cubaci & Peterson

Architects Engineers Planners

Florida Corporate Certificate #AA C000526

PROJECT NAME
Aloma Promenade Publix & Retail
2871 Clayton Crossing Way
Orlando, Florida
Seminole County

CLIENT NAME
Aloma Walk Commercial Venture
12443 San Jose Blvd, Suite 1002
Jacksonville, FL 32223

SHEET TITLE
Preliminary Signage Plan

PROJECT NO.	208114
DATE	11/21/08
DRAWN	CRT
CHECKED	CRT
RELEASE	

SP-01

PROPOSED PYLON SIGN - EXHIBIT "H"
FOR
PUBLIX @ ALOMA WALK

PROPOSED PYLON SIGN - #2
FOR
PUBLIX @ ALOMA WALK

PROPOSED MONUMENT SIGN
FOR
PUBLIX @ ALOMA WALK

SIGNAGE CALCULATIONS	
MAN SHOPPING CENTER	ACTUAL
PUBLIX	24 SF
RETAIL A/B	28 SF
PYLON #1	22 SF
PYLON #2	22 SF
TOTAL	116 SF
194 SF ALLOWED	

SIGNAGE CALCULATIONS	
PARCEL X (BANK)	ACTUAL
BANK	36 SF
MONUMENT SIGN	36 SF
TOTAL	138 SF
140 SF ALLOWED	

SIGNAGE CALCULATIONS	
PARCEL Y	ACTUAL
PARCEL C	20 SF
200 SF ALLOWED	

SIGNAGE CALCULATIONS	
PARCEL C	ACTUAL
PARCEL C	36 SF
300 SF ALLOWED	

SIGNAGE CALCULATIONS	
PARCEL C	ACTUAL
RETAIL C	20 SF
320 SF ALLOWED	

Clayton Crossing Way
4,312.2' UT/STRONG

S.R. 417

1/2" = 1' UT/STRONG

1 Preliminary Signage Plan
SCALE: 1/2" = 1'



October 1, 2009

Ian Sikonia, Senior Planner
Planning and Development Department / Planning Division
Seminole County
1101 East First Street
Sanford, Florida 32771-1468

**Re: Greenway Pointe PUD Final Master Plan Parcel A/Aloma Walk
PUD Major Amendment for Landscape Buffers**

Dear Mr. Sikonia:

This letter and the supporting documents are submitted for review for a proposed change in the landscape buffers within Parcel A. This submittal follows our meeting with you on September 24, 2009, in which we discussed the proposed changes and the process for amending the PUD.

The background on this change is that the original Conceptual Landscape Plan and Developers Commitment Agreement included a perimeter buffer landscape plan that the owners wish to modify. The modifications will result in a more water-wise and aesthetically appropriate landscape palette for the buffers. The plan meets the current landscape code and is consistent with the number and size of plantings that have already been approved, both in the original PUD and subsequent Final Construction Plans. Once the PUD Amendment is approved, we will resubmit the Final Landscape Plans for development review.

In addition, the site signage has been included to document the number and location of perimeter monument signs for Parcel A and the outparcels. A plan was previously submitted to the County's development review that identified these signs and more detailed information (see attached Preliminary Signage Plan, prepared by Cuhaci Peterson).

As you know, this project is under construction at this time. The final landscape installation is due for completion by the end of this year. Therefore, we request that the County staff review these changes and allow us to go before the Development Review Committee on October 15, 2009 and the Planning Board on November 4, 2009.

We appreciate your cooperation and assistance on this issue. Should you have any questions concerning this submittal, please contact me at **321-214-3252** or **jwalls@millerlegg.com**.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon D. Walls". The signature is fluid and cursive.

Jon D. Walls, RLA
Principal

JDW/mch
Attachments

cc: John Holland, Aloma Walk Commercial Venture, LLC
Tom Murray, Windcrest Development Group, Inc.
Chris Lathrop, ASLA, Dix Lathrop & Assoc.

OCT 1 2009
DEVELOPMENT REVIEW

IMPROVING COMMUNITIES. CREATING ENVIRONMENTS.

Central Florida Office: 631 S Orlando Avenue • Suite 200 • Winter Park, Florida • 32789-7122
(407) 629-8880 • Fax: (407) 629-7883
www.millerlegg.com

Sikonia, Ian

From: Kip Lockcuff [klockcuff@winterspringsfl.org]
Sent: Monday, November 02, 2009 6:05 PM
To: Sikonia, Ian
Cc: McDonald, Andy; Chapman, Daniel; Spradlin, Susan; MGR Orlando; Tom Flint; lpron@embarqmail.com; MacDonald, Fran
Subject: RE: Greenway Pointe PUD Major Amendment
Attachments: Clayton Crossing Final Engineering Landscaping West buffer.pdf

Ian,

Thank you for the info and the notice to our residents of the P&Z agenda item scheduled for 11/4 proposing decreases to the landscape buffer for the Greenway Pointe PUD.

I took the opportunity this weekend to compare the landscape plan approved for construction by Seminole County staff in December 2005 to the existing landscape conditions specifically relating to the west 50 foot and 25 foot buffers. The 50 foot buffer (south of the trail) is in excellent condition and appears to have 100% survival of the canopy trees. The 25 foot buffer (north of the trail) not so much with only 35 trees remaining from the 50 trees originally approved and assumed to be planted. Many of the stumps are still visible. This does not include some of the cypress trees in the retention pond that apparently also did not survive. I've attached the landscape plans for your use if you would like to verify my findings.

On behalf of the Board, we certainly appreciate the efforts of county staff to create a landscape buffer between this high intensity development and our single family development. We understand the proposed changes that would affect Bear Creek are to the west 10' landscape buffer on the east side of entrance road. We would agree with the applicants assertion that not allowing sufficient room for trees to flourish hinders the effectiveness of the landscape buffer. However, this assumes 100% survival and it is apparent from the existing buffer that there will be attrition of the canopy trees (30% loss in the 25 foot buffer). Our concerns are that there should be some mechanism in place to ensure trees are replaced for losses that occur after the County final inspection. Any trees lost within the proposed reduced canopy buffer plantings would leave significant gaps in the buffer.

We request that our concerns be conveyed to the members of the Planning and Zoning Commission in their consideration of the facts relating to the Greenway Pointe PUD Major Amendment.

Thank you again for your prompt responses to our inquiries.

Kipton Lockcuff - Bear Creek Property Owners Association Board member
2512 Creekview Circle
Oviedo, FL 32765

From: Sikonia, Ian [mailto:ISikonia@seminolecountyfl.gov]
Sent: Thursday, October 29, 2009 3:29 PM
To: Kip Lockcuff
Subject: RE: Greenway Pointe

Kip,

Attached is an approval letter for the Final Engineering Plans you requested earlier. Let me know if you have any other questions or need additional information.

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
NOVEMBER 4, 2009**

Members present: Walt Eismann, Melanie Chase, Kimberly Day, Rob Wolf, Matt Brown, Michael Bowdoin and Dudley Bates.

Members absent: None

Staff present: Alison Stettner, Planning and Development Manager; Tina Williamson, Assistant Planning Manager; Kathleen Furey-Tran, Assistant County Attorney; Lee Shafer, Principal Engineer, Development Review Division; and Jane Spencer, filling in for Connie R. DeVasto, Clerk to the Planning and Zoning Commission.

Public Hearing Items:

A. Greenway Pointe PUD Major Amendment; Jon Walls, applicant; 14 acres; Major amendment to the Greenway Pointe PUD, located on the northeast corner of the intersection of Aloma Avenue and Clayton Crossing Way. (Z2009-28)

District 1 - Dallari
Ian Sikonia, Senior Planner

Ian Sikonia, Senior Planner - presented this item and stated that the purpose of this rezoning application is to amend the content of the landscape buffers along the east, west and south property lines.

The previously approved Greenway Pointe PUD landscape buffers were designed with an abundant amount of trees, which would not have enough room to flourish because the tree canopies would overlap and subsequently hinder their growth. This overlap would not meet the intent of the external buffers and upon implementation; the trees would not sufficiently flourish to provide the envisioned opacity.

Staff has reviewed the proposed buffer content and is in agreement with the proposed changes. The new buffer content will still provide the opacity intended and will allow for the trees to have enough space to flourish and provide for a more aesthetically pleasing buffer. Staff feels the proposed buffer content is compatible with the surrounding area, and will provide a more refined look over time to the proposed development.

The developer is also requesting that Parcel "A" be given its own monument sign to allow for more visibility of the proposed bank. This request is consistent with the sign regulations of the Land Development Code and will not be out of character with the proposed development or existing surrounding area.

Staff has received one letter concerning the maintenance of the trees when the development is built, a copy of which was handed out prior to this meeting along with a printout amending some language in the new Developers Commitment Agreement regarding maintenance of the common areas.

Staff recommends approval of this request.

John Walls of Miller Legg, Applicant – explained the amended language in the Developers Commitment Agreement. He stated that the main reason for the change is the spacing of the oak trees along Aloma. The County Code requires 30 feet on center and they requested 40 feet on center. They also want to create view windows into the property.

Mr. Walls – stated that they want to create a more water wise and ecologically friendly plan and would like to replace some of the trees on the existing plan with trees that require less water.

No one spoke in favor or opposition to this request from the audience.

Commissioner Day made a motion to approve this request.

Commissioner Bates seconded the motion.

The motion passed unanimously 7 – 0.

SEMINOLE COUNTY
APPLICATION & AFFIDAVIT

Ownership Disclosure Form

The owner of the real property associated with this application is a (check one)

☐ Individual ☐ Corporation ☐ Land Trust

☐ Limited Liability Company ☐ Partnership

☐ Other (describe): _____

1. List all **natural persons** who have an ownership interest in the property, which is the subject matter of this petition, by name and address.

NAME	ADDRESS	PHONE NUMBER

(Use additional sheets for more space.)

2. For each **corporation**, list the name, address, and title of each officer; the name and address of each director of the corporation; and the name and address of each shareholder who owns two percent 2% or more of the stock of the corporation. Shareholders need not be disclosed if a corporation's stock are not traded publicly on any national stock exchange.

NAME	TITLE OR OFFICE	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

3. In the case of a **trust**, list the name and address of each trustee and the name and address of the beneficiaries of the trust and the percentage of interest of each beneficiary. If any trustee or beneficiary of a trust is a corporation, please provide the information required in paragraph 2 above.

Trust Name: _____

NAME	TRUSTEE OR BENEFICIARY	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

SEMINOLE COUNTY
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- Limited Liability Company
4. For ~~partnerships~~ including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners. If any partner is a corporation, please provide the information required in paragraph 2 above.

NAME	ADDRESS	% OF INTEREST
Nifong Winter Park LLC	222 S. Central Ave. Suite 800 St. Louis, MO 63105	100%

(Use additional sheets for more space.)

5. In the circumstances of a **contract for purchase**, list the name and address of each contract purchaser. If the purchaser is a corporation, trust, or partnership, provide the information required for those entities in paragraphs 2, 3, and/or 4 above.

Name of Purchaser: _____

NAME	ADDRESS	% OF INTEREST

Date of Contract: _____

Please specify any contingency clause related to the outcome of the consideration of the application.

6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.
7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezoning, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

10/1/09

Date

STATE OF FLORIDA
COUNTY OF Orange

Owner, Agent, Applicant Signature
Jon D. Walls, Agent

Sworn to (or affirmed) and subscribed before me this 1st day of October, 2009 by Jon D. Walls

Jay Marie Korb
Signature of Notary Public

JAY MARIE KORB
Print, Type or Stamp Name of Notary Public



JAY MARIE KORB
Commission DD 790075
Expires August 13, 2012
Bonded Thru Troy Fair Insurance 800-385-7019

Personally Known ☒ OR Produced Identification N/A

Type of Identification Produced N/A

For Use by Planning & Development Staff

Date: _____ Application Number: _____